

1 GENERAL GOVERNMENT CABINET

2 Board of Dentistry

3 (Emergency Repealer)

4 201 KAR 8:007E. Repeal of 201 KAR 8:006, 015, 070, 130, 135, 140, 150, 160, 170, 180, 185, 190,
5 220, 225, 230, 240, 250, 260, 265, 270, 277, 280, 290, 310, 320, 330, 340, 345, 350, 355, 400, 420, 430,
6 440, 450, 460, 470, and 490.

7 RELATES TO: 2010 Ky. Acts ch. 85, sec. 1-17, 22

8 STATUTORY AUTHORITY: 2010 Ky. Acts ch. 85, sec. 3(1)

9 NECESSITY, FUNCTION, AND CONFORMITY: The passage of 2010 Ky. Acts ch. 85, sec. 1-17 and
10 22 repealed the statutes which authorized the board to promulgate the regulations included in this
11 emergency repealer, and 2010 Ky. Acts ch. 85, sec. 3(1) requires the board to exercise all of the
12 administrative functions of the Commonwealth in the regulation of the profession of dentistry. This
13 administrative regulation ensures that board's promulgated regulations are consistent with its statutory
14 authority.

15 Section 1. The following administrative regulations are hereby repealed:

- 16 (1) 201 KAR 8:006 Advertising of dental services;
- 17 (2) 201 KAR 8:015 Registration of dental laboratories and technicians with board;
- 18 (3) 201 KAR 8:070 Vacancies; how filled;
- 19 (4) 201 KAR 8:130 X-rays by dental assistants;
- 20 (5) 201 KAR 8:135 Auxiliary personnel;
- 21 (6) 201 KAR 8:140 Continuing education compliance;

- 1 (7) 201 KAR 8:150 Dental application; examination;
- 2 (8) 201 KAR 8:160 Qualifications for examination;
- 3 (9) 201 KAR 8:170 Application prior to graduation;
- 4 (10) 201 KAR 8:180 Applicant; requirements;
- 5 (11) 201 KAR 8:185 Written examination grade requirements;
- 6 (12) 201 KAR 8:190 Examination committee;
- 7 (13) 201 KAR 8:220 Clinical examinations;
- 8 (14) 201 KAR 8:225 Credentialing of dental license;
- 9 (15) 201 KAR 8:230 Reexamination; when;
- 10 (16) 201 KAR 8:240 Clinical demonstrations;
- 11 (17) 201 KAR 8:250 Duplicate license certificate;
- 12 (18) 201 KAR 8:260 Dental hygiene application; examination;
- 13 (19) 201 KAR 8:265 Credentialing of dental hygiene license;
- 14 (20) 201 KAR 8:270 Grade requirement; dental hygiene examination;
- 15 (21) 201 KAR 8:277 Written and clinical application grade requirements;
- 16 (22) 201 KAR 8:280 Reexamination; dental hygienists;
- 17 (23) 201 KAR 8:290 Hygienists' official register;
- 18 (24) 201 KAR 8:310 Duplicate license; hygienists;
- 19 (25) 201 KAR 8:320 Notice of place of employment; hygienists;
- 20 (26) 201 KAR 8: 330 Hygienists' temporary retirement; reinstatement;
- 21 (27) 201 KAR 8:340 Specialty application; examination;
- 22 (28) 201 KAR 8:345 Educational requirements; specialties;
- 23 (29) 201 KAR 8:350 Specialty grade requirement;

- 1 (30) 201 KAR 8:355 Register; dental specialists;
- 2 (31) 201 KAR 8:400 Complaint procedure;
- 3 (32) 201 KAR 8:420 The prevention of transmission of human immunodeficiency virus and
- 4 hepatitis B virus to patients by dental health care workers;
- 5 (33) 201 KAR 8:430 Unprofessional conduct;
- 6 (34) 201 KAR 8:440 Biennial fee schedule and registration;
- 7 (35) 201 KAR 8:450 Dental hygienist services when supervising dentist not physically present;
- 8 (36) 201 KAR 8:460 Administration of anesthesia by dental hygienists;
- 9 (37) 201 KAR 8:470 Coronal polishing duties of dental assistants; and
- 10 (38) 201 KAR 8:490 Expungement of records.

DR. WILLIAM P. BOGGESS, DMD, Board President

July 10, 2010
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, August 31, 2010, at 9:00 a.m. at the office of the Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY 40222. Individuals interested in being heard at this hearing shall notify this agency in writing no later than August 24, 2010, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until August 31, 2010.

Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Brian K. Bishop, Executive Director, Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY, 40222. Phone (502) 429-7280, fax (502) 429-7282, email briank.bishop@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: **201 KAR 8:007E. Repeal of 201 KAR 8:006, 015, 070, 130, 135, 140, 150, 160, 170, 180, 185, 190, 220, 225, 230, 240, 250, 260, 265, 270, 277, 280, 290, 310, 320, 330, 340, 345, 350, 355, 400, 420, 430, 440, 450, 460, 470, and 490.**

Contact Person: Brian K. Bishop, Executive Director
Board of Dentistry

(1) Provide a brief summary of:

(a) What this administrative regulation does: **This administrative regulation repeals 201 KAR 8:006, 015, 070, 130, 135, 140, 150, 160, 170, 180, 185, 190, 220, 225, 230, 240, 250, 260, 265, 270, 277, 280, 290, 310, 320, 330, 340, 345, 350, 355, 400, 420, 430, 440, 450, 460, 470, and 490.**

(b) The necessity of this administrative regulation: **This administrative regulation is necessary as the regulations are in conflict with 2010 Ky. Acts ch. 85, sec. 1-17 and 22.**

(c) How this administrative regulation conforms to the content of the authorizing statute: **This administrative regulation conforms to 2010 Ky. Acts ch. 85, sec. 77, which repeals all statutes giving authority to the regulations repealed here.**

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: **This administrative regulation negates conflict between 2010 Ky. Acts ch. 85 and the repealed administrative regulations.**

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: **N/A**

(b) The necessity of the amendment to this administrative regulation: **N/A**

(c) How the amendment conforms to the content of the authorizing statute: **N/A**

(d) How the amendment will assist in the effective administration of the statutes: **N/A**

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: **Only the Kentucky Board of Dentistry will be affected by this administrative regulation.**

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to

comply with this administrative regulation or amendment: **The Kentucky Board of Dentistry is charged by 2010 Ky. Acts ch. 85 to regulate the practice of dentistry in the Commonwealth.**

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): **The Board is a self funded agency who's budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000.**

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): **The Kentucky Board of Dentistry is the regulatory agency and accrues no benefits from the regulations but rather provides enforcement of the chapter and processes for it licensees to legally practice dentistry in the Commonwealth.**

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: **The Board is a self funded agency whose budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000. The Kentucky Board of Dentistry receives no monies from the General Fund.**

(a) Initially: **No additional costs are expected.**

(b) On a continuing basis: **No additional costs are expected.**

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: **The Kentucky Board of Dentistry is a fully self funded agency and derives it funding from fees paid by it licensees.**

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: **201 KAR 8:520E provides the fees to be paid by licensees which makes the board fully self funded and financially solvent.**

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: **N/A**

(9) TIERING: Is tiering applied? **Tiering was not appropriate in this administrative regulation because this administrative regulation applies equally to all individuals.**

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 8:007E.

Contact Person: Brian K. Bishop, Executive Director,
Board of Dentistry

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Board of Dentistry is the only state government entity which will be impacted by this regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

2010 Ky. Acts ch. 85

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There will be no new net fiscal affect on the Kentucky Board of Dentistry as the agency is a fully self funded agency and receives no general fund dollars.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(c) How much will it cost to administer this program for the first year?

FY 2010 – 2011 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$705,400

(d) How much will it cost to administer this program for subsequent years?

FY 2011 – 2012 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$714,000

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: